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10/786,377	02/25/2004	Jonathan C. Burrell	702.316	3390
38933	7590	01/23/2008	EXAMINER	
GARMIN LTD. C/O GARMIN INTERNATIONAL, INC. ATTN: Legal - IP 1200 EAST 151ST STREET OLATHE, KS 66062			WEISKOPF, MARIE	
			ART UNIT	PAPER NUMBER
			3664	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,377	<b>Applicant(s)</b> BURRELL ET AL.	
	<b>Examiner</b> MARIE A. WEISKOPF	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 07 November 2007.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-11, 13, 14, 26-41, 57 and 59-65 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 15-25 and 42-56 is/are allowed.
- 6)  Claim(s) 1-11, 13, 14, 26-41, 57, 59, 60 and 63-65 is/are rejected.
- 7)  Claim(s) 61 and 62 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/ are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All   b)  Some \*   c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

The indicated allowability of claims 12-14, 18 and 58-60 is withdrawn in view of the newly discovered reference(s) to Sharma (US 6,287,200). Rejections based on the newly cited reference(s) follow.

1. Claims 15-25, 42-56 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: the prior art, individually or in combination, fails to disclose, teach or suggest wherein the location determining component is operable to determine the user's current geographic location, map the user's location on the display, chart a desired course of travel on the display, and find a desired location on a map generated on the display.
3. Claims 61 and 62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter: the prior art, individually or in combination, fails to disclose, teach or suggest wherein the entertainment component is operable to interface with the exercise performance monitor component to receive the performance information.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 13-14, 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al (US 2001/004970) in view of Sharma (US 6,287,200).

- In regard to claim 1, Mault et al discloses a wearable electronic device comprising:
  - A location determining component operable to determine a geographic location of the device (paragraph 33)
  - An elongated housing which encloses the location determining component (paragraph 31; Fig. 1)
  - A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)

Mault et al fails to disclose an entertainment component operable to execute at least one game, however, it is common and well known in the art to display games based upon GPS signals with any display screen. Sharma discloses an entertainment component being able to operate to execute at least one game. (Column 2, lines 24-45) It would have been obvious to one having ordinary skill in the art at the time of the invention to include an entertainment component, as taught by Sharma, with any device that has a GPS and a display.

- In regard to claim 2, Mault et al discloses the device having at least one input to operate the location determining component (paragraph 31)

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- In regard to claim 3, Mault et al discloses the device having a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (paragraph 31)
- In regard to claim 4, Mault et al discloses the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Fig. 1, paragraph 31)
- In regard to claim 5, Mault discloses in a second embodiment having a front side and a top face with a plurality of inputs positioned on the front side and the top face such that the plurality of inputs may be accessed by the user during exercise or other activity (paragraph 36, Fig. 3A). It would have been obvious to one having ordinary skill in the art at the time of the invention to put the input buttons wherever is easiest for the user to access and to also use the top face and side face for more options for the user as recognized by Mault et al in the second embodiment.
- In regard to claim 6, Mault et al discloses the device having a display positioned such that it may be viewed by the user during exercise or other activity (Fig. 1)
- In regard to claim 7, Mault et al discloses wherein the display is positioned on a top face of the housing (Fig. 1)
- In regard to claim 13, Sharma discloses wherein the entertainment component is operable to interface with the location determining component to receive the geographic location from the location determining component. (Column 2, lines 25-45) It would have been obvious to one having ordinary skill in the art at the

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time of the invention to use the location determining component to allow the user to play with other people with a similar device as is well known in the art.

- In regard to claim 14, Sharma discloses wherein the entertainment component includes the geographic location in an executed game. (Column 2, lines 25-45) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the location determining component to allow the user to play with other people with a similar device as is well known in the art.
- In regard to claim 26, Mault et al discloses a wearable electronic device comprising:
  - A location determining component operable to determine a geographic location of the device (paragraph 33)
  - An exercise performance monitor component operable to calculate performance information (paragraph 38)
  - An elongated housing which encloses the location determining component (paragraph 31; Fig. 1)
  - A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)

Mault et al fails to disclose an entertainment component operable to execute at least one game, however, it is common and well known in the art to display games based upon GPS signals with any display screen. Sharma discloses an entertainment component being able to operate to execute at least one game.

(Column 2, lines 24-45) It would have been obvious to one having ordinary skill

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in the art at the time of the invention to include an entertainment component, as taught by Sharma, with any device that has a GPS and a display.

- In regard to claim 27, Mault et al discloses wherein the exercise performance monitor component is operable to calculate performance information comprising total distance, total distance goals, speed and speed goals (paragraphs 38 and 66)
- In regard to claim 28, Mault et al discloses wherein the exercise performance monitor component is operable to interface with the location determining component to receive the geographic location information (paragraph 38)
- In regard to claim 29, wherein the exercise performance monitor component is operable to calculate performance information based on the geographic location information (paragraph 38)
- In regard to claim 30, Mault et al discloses wherein the strap is operable to secure the housing to the user's forearm (Fig. 1, paragraph 31)
- In regard to claim 31, Mault et al discloses wherein the device includes at least one input to operate the location determining component and exercise performance monitor component. (paragraph 31)
- In regard to claim 32, Mault et al discloses wherein the device includes a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (paragraph 31, Fig. 1)

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- In regard to claim 33, Mault et al discloses the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Fig. 1, paragraph 31)
- In regard to claim 34, Mault discloses in a second embodiment having a front side and a top face with a plurality of inputs positioned on the front side and the top face such that the plurality of inputs may be accessed by the user during exercise or other activity (paragraph 36, Fig. 3A). It would have been obvious to one having ordinary skill in the art at the time of the invention to put the input buttons wherever is easiest for the user to access and to also use the top face and side face for more options for the user as recognized by Mault et al in the second embodiment.
- In regard to claim 35, Mault et al discloses the device having a display positioned such that it may be viewed by the user during exercise or other activity. (Fig. 1)
- In regard to claim 36, Mault et al discloses wherein the display is positioned on a top face of the housing (Fig. 1)

7. Claims 8-9 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al (US 6,513,532) in view of Sharma (US 6,287,200) and further in view of Stubbs (US6,736,759). Mault et al and Sharma fail to specifically disclose that the display is an LCD display and is capable of being viewed from multiple angles, however, this is very well known in the art and is taught by Stubbs. (Column 22, lines 1-25) It would have been obvious to one having ordinary skill in the art at the time of the invention to use LCD displays and have the face of the device be able to be viewed



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from multiple angles for ease of the user and also since this technology is very well known in the art.

8. Claims 10-11, 39-41, 57, 69-60, 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al (US 6,513,532) in view of Sharma (US 6,287,200) and further in view of Magnusson (6,580,664).

- In regard to claims 10, 11, 39 and 40, Mault et al fails to disclose the display is coupled with the location determining component to display geographic information and wherein the display is operable to display the geographic information. Magnusson, however, discloses a timepiece with pager and global positioning system. This timepiece is capable of displaying the GPS information. (Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.
- In regard to claim 41, Mault et al discloses wherein the display is coupled with the exercise performance component to display performance information. (Fig. 10)
- In regard to claim 57, Mault et al discloses a wearable electronic device comprising:

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- o A location determining component having a GPS receiver operable to determine a geographic location information including a user's current geographic position (paragraph 33)
- o An antenna coupled with the location determining component to assist the location determining component in receiving a signal (paragraph 33)
- o An exercise performance monitor component operable to interface with the location determining component to receive the geographic information and calculate performance information based on the geographic information (paragraph 38)
- o An elongated housing which encloses the location determining component, antenna and exercise performance monitor component (paragraph 31; paragraph 35; Fig. 1)
- o A plurality of inputs operable to operate the location determining component, wherein the inputs are positioned on the housing such that the inputs may be operated by the user with one hand (Fig. 1, paragraph 31)
- o A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)

Mault et al fails to disclose an entertainment component operable to execute at least one game, however, it is common and well known in the art to display games based upon GPS signals with any display screen. Sharma discloses an entertainment component being able to operate to execute at least one game.

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(Column 2, lines 24-45) It would have been obvious to one having ordinary skill in the art at the time of the invention to include an entertainment component, as taught by Sharma, with any device that has a GPS and a display. Mault et al fails to specifically disclose a display operable to display the geographic location information, wherein the display is positioned on the housing such that it may be easily viewed from multiple angles by a user during exercise or other activity. Magnusson, however, discloses a timepiece with pager and global positioning system. This timepiece is capable of displaying the GPS information and further it is inherent the time piece would be viewable from multiple angles otherwise the user would continually have to hold the time piece as the correct angle to view it.

(Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.

- In regard to claim 59, Sharma discloses wherein the entertainment component is operable to interface with the location determining component to receive the geographic location from the location determining component. (Column 2, lines 25-45) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the location determining component to allow the user to play with other people with a similar device as is well known in the art.

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- In regard to claim 60, Sharma discloses wherein the entertainment component includes the geographic location in an executed game. (Column 2, lines 25-45)  
It would have been obvious to one having ordinary skill in the art at the time of the invention to use the location determining component to allow the user to play with other people with a similar device as is well known in the art.
- In regard to claim 63, wherein the elongated housing includes a contact operable to receive electrical power and data (paragraph 31)
- In regard to claim 64, wherein the location determining component is operable to receive information through the contact (paragraph 31)
- In regard to claim 65, wherein the exercise performance monitor component is operable to receive information through the contact (paragraph 31)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIE A. WEISKOPF whose telephone number is (571)272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW

KHOI H. TRAN  
SUPERVISORY PATENT EXAMINER

